

CHAPTER 10.14

USE OF WHEELED ALL-TERRAIN VEHICLES ON COUNTY ROADS

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10.14.010 PURPOSE. The purpose of this chapter is to provide for the use of wheeled all-terrain vehicles on designated County Roads.

[Ord. 626 (2020) § 1]

10.14.020 APPLICABILITY. The provisions of this chapter shall apply to all unincorporated areas of Benton County except those areas within the Hanford Nuclear Reservation.

[Ord. 626 (2020) § 2]

10.14.030 DEFINITIONS. For the purposes of this chapter, unless the context indicates otherwise the following definitions shall apply:

(a) "County" means Benton County, its elected officials, its employees and its agents.

(b) "County Road" means all roads within the unincorporated portions of Benton County, except those roads on the Hanford Nuclear Reservation, that are operated and maintained by Benton County.

(c) "Rules of the Road" means all of the rules that apply to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.

(d) "Shoulder" means that portion of the roadway outside of the edge of traveled way typically delineated by a white colored edge stripe and/or the portion of maintained gravel or earth adjacent to the paved roadway.

(e) "Sidewalk" means that property between the curb lines or the lateral lines of a County Road and the adjacent property, set aside and intended for the use of pedestrians.

(f) "Wheeled All-Terrain Vehicle" or "WATV" has the same meaning as defined under Revised Code of Washington (RCW) Chapter 46.09.310.

[Ord. 626 (2020) § 3]

10.14.040 USE OF WHEELED ALL-TERRAIN VEHICLES ON COUNTY ROADS. Subject to the restrictions and requirements set forth in this chapter and found under applicable State Law, a person who has a valid Driver License issued by the state of the person's permanent residence and has attained the age of 18 years may operate a wheeled all-terrain vehicle upon a county road having a speed limit of 35 miles per hour or less.

[Ord. 626 (2020) § 4]

10.14.050 RESTRICTIONS ON USE OF WHEELED ALL-TERRAIN VEHICLES ON COUNTY ROADS.

(a) Any person who operates or rides as a passenger in a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the WATV is in motion, unless the WATV is equipped with roll bars or an enclosed passenger compartment;

(b) Any person who operates or rides as a passenger in a "utility-type" wheeled all-terrain vehicle as described under RCW 46.09.310 must wear a securely fastened seat belt while the WATV is in motion. Persons less than 16 years of age are required to be restrained as defined in RCW 46.61.687;

(c) A person may not operate a wheeled all-terrain vehicle upon a county road with a speed limit in excess of 35 miles per hour; however, a person may cross a county road with a speed limit in excess of 35 miles per hour at a controlled intersection if the crossing begins and ends on a county road with a speed limit of 35 miles per hour or less;

(d) A person may operate a wheeled all-terrain vehicle upon a county road while being used under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties;

(e) Wheeled all-terrain vehicles are subject to RCW Chapter 46.55; and

(f) No person may operate a wheeled all-terrain vehicle on a county road without having proof of current liability insurance with liability limits of at least the amounts provided in and in compliance with the requirements as set forth in RCW 46.29.090, as now enacted or hereafter amended. Written proof of such financial responsibility shall be provided on the request of a law enforcement officer.

[Ord. 626 (2020) § 5]

10.14.060 EQUIPMENT REQUIREMENTS OF WHEELED ALL-TERRAIN VEHICLES. A wheeled all-terrain vehicle operated on a county road shall comply with the equipment and declaration requirements defined in RCW 46.09.457 and the following;

(a) Must have an individual seat, designed to seat a person, for each occupant.

[Ord. 626 (2020) § 6]

10.14.070 REGISTRATION REQUIREMENTS OF WHEELED ALL-TERRAIN VEHICLES. A wheeled all-terrain vehicle operated on a county road shall comply with the registration requirements of RCW Chapter 46.09.

[Ord. 626 (2020) § 7]

10.14.080 DUTY TO OBEY TRAFFIC-CONTROL DEVICES AND RULES OF THE ROAD. Unless a law enforcement officer directs otherwise, a person operating a wheeled all-terrain vehicle must obey all rules of the road that apply to vehicle or pedestrian traffic and must obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles. A person operating a wheeled all-terrain vehicle upon a county road is subject to all of the duties that RCW Chapter 46.61 et seq. imposes on an operator of a vehicle, except as to those provisions thereof which by their nature can have no application.

[Ord. 626 (2020) § 8]

10.14.090 PROHIBITED USES.

(a) No person may operate or ride a wheeled all-terrain in a negligent or unsafe manner but shall operate it with reasonable regard for their own safety and the safety of others.

(b) No person may occupy a wheeled all-terrain vehicle unless that person is seated in a seat designed to carry a person.

(c) No person may operate a wheeled all-terrain vehicle side-by-side with any other vehicle in a single lane of traffic.

[Ord. 626 (2020) § 9]

10.14.100 PROHIBITED AREAS.

(a) It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk, on the road shoulder or any other area where it is unlawful to operate a motor vehicle.

(b) Except for use by county maintenance staff, it is unlawful to operate a wheeled all-terrain vehicle on any county park trail, path, walkway, etc other than in areas designated for motor vehicle operation.

(c) It is unlawful to operate a wheeled all-terrain vehicle on any bicycle or walking path or in a bicycle lane.
[Ord. 626 (2020) § 10]

10.14.110 VIOLATION-PENALTY. A person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty not to exceed two hundred and fifty dollars, exclusive of statutory assessments; provided, that conduct that constitutes a criminal offense may be charged as such and is subject to the maximum penalties allowed for such offenses.
[Ord. 626 (2020) § 11]

10.14.120 SEVERABILITY. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.
[Ord. 626 (2020) § 12]

10.14.130 EFFECTIVE DATE. This chapter shall take effect and be in full force upon its passage and adoption.
[Ord. 626 (2020) § 13]